

REMARKS

Claims 1-9 and 11-23 are pending in this application. By this Amendment, claims 1 and 5 are amended for the reasons described herein, and claim 23 is added to include features deleted from claim 1. No new matter is added.

Reconsideration of the application is respectfully requested.

Applicants gratefully appreciate the indication that claims 13-15 and 17-22 contain allowable subject matter and would be allowable if rewritten in independent form. However, for reasons presented below, it is respectfully submitted that the remaining claims are also allowable.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Pham in the April 2, 2007 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Rejection under 35 U.S.C. §112

Claim 1 was rejected under 35 U.S.C. §112 for allegedly being indefinite. However, in light of amended claim 1, this rejection is considered moot.

The new claim 23 specifies that the light emitting device is exposed (i.e., it is not covered) as explained in the specification at page 16, lines 8-11. Applicants submit that new claim 23 is clear and definite.

Claim Objection

Claim 5 was objected to for allegedly lacking antecedent basis. In particular, the Office Action asserts that "an elastic member" should be "the elastic member."

Claim 5 is amended to replace "an" with "the." As such, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. §103(a)

The Office Action included the following rejections under 35 U.S.C. §103(a):

claims 1-4 as allegedly being unpatentable over Tomita (JP 6-67102) in view of Miura (JP 2003-22542);

claim 5 as allegedly being unpatentable over Tomita in view of Yanagisawa (JP 2000-249957);

claims 7-9 as allegedly being unpatentable over Tomita in view of Mogi (U.S. Patent No. 5,490,158, hereinafter Mogi '158);

claim 6 as allegedly being unpatentable over Tomita in view of Miura, and in further view of Itabashi (U.S. Patent No. 6,469,772); and

claim 11 as allegedly being unpatentable over Tomita in view Miura, in further view of Yanagisawa and in further view of Mogi et al. (U.S. Patent No. 6,992,690, hereinafter Mogi '690. Applicants respectfully traverse these rejections.

The Office Action concedes that Tomita fails to teach or suggest an optical device that includes an elastic member holding lead frames, as recited in independent claim 1, and asserts that Miura discloses this feature. However, there is no motivation to combine the teachings of Miura with that of Tomita, or any indication that the combination would have led to the claimed optical scanner.

Tomita discloses a hollow lens-barrel with, a semiconductor laser press fit and mounted therein. Further, adhesion and immobilization of a collimator lens holder is carried out with the lens-barrel being press fit (paragraph [0005] and FIG. 14). Therefore, it is imperative to the optical device of Tomita that the lens-barrel be press fit, thus immobilizing together the semiconductor laser 51 and the collimator lens 52 in alignment.

In contrast, Miura discloses a thermally conductive member, which has an elasticity and a hole in which a terminal area of a semiconductor laser penetrates. The thermally conductive member which has this elasticity is fixed to a base with a screw thread (paragraph [0014]). Elasticity, by definition, means springy or rebounding. As mentioned above, the

semiconductor of Tomita is press fit for the immobilization together of the semiconductor laser and the collimator lens. The nature of having something "immobilized" means it is "non-elastic." More significantly, the elastic member in Miura is for a laser only, and would not immobilize together a laser and a collimator lens as required in the press fit arrangement in Tomita. Therefore, nothing in Miura would have led one to have used the elastic member of Miura in the optical device of Tomita.

There is no motivation to have combined Miura with Tomita because Miura teaches away from Tomita. That is, Miura describes use of an elastic member and Tomita describes use of a lens-barrel that is press fit for immobilization of two components together. Applying the elastic member assembly in place of Tomita's assembly would adversely affect the alignment of components. Accordingly, one of ordinary skill in the art would have no reason to have included the optical device of Miura in the different optical device of Tomita.

Further, none of Yanagisawa, Mogi '158, Itabashi, Yanagisawa or Mogi '690 cure the deficiencies of Tomita and Miura in disclosing or rendering obvious the features of independent claim 1.

For at least these reasons, independent claim 1, and its dependent claims, are patentable over the applied references. Thus, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

Further, in response to a previous Restriction Requirement, claims 12 and 16 were withdrawn. However, in light of the now allowable claim 1, Applicants respectfully request that dependent claims 12 and 16 be rejoined and similarly allowed.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9 and 11-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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